

EXHIBIT 1



Entered on Docket
March 10, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE ONE
POINT STREET, LLC – HFA
NORTH YONKERS LOAN**

Date of Hearing: February 21, 2008
Time of Hearing: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Fourth Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the One Point Street, LLC – HFA North Yonkers Loan (the "Objection")
4 [DE 5692]. Adequate notice of the Objection was given. The Court heard the Objection
5 on February 21, 2008. No responses were filed to the Objection and no opposition was
6 raised at the hearing. Good cause appearing,

7 IT IS ORDERED:

- 8
- 9 • Sustaining the Objection;
 - 10 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
11 are based upon an investment in the One Point Street, LLC – HFA North
12 Yonkers Loan. The Proofs of Claim listed in Exhibit A are not affected by this
13 order to the extent they are based upon an investment in a loan(s) other than the
14 One Point Street, LLC – HFA North Yonkers Loan; and
 - 15 • Reserving the right of any party in interest, including the USACM Trust, to
16 further object to the Proofs of Claim listed on Exhibit A attached.

16 ###

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)
20 Susan M. Freeman
21 Rob Charles
22 John Hinderaker
23 *Attorneys for USACM Liquidating Trust*
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25
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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

HFA – North Yonkers
Multiple Loan Claims

EXHIBIT A

Fourth Omnibus Objection

| Claim | Name | Address | Total Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment In the HFA - North Yonkers Loan |
|-------------|--|--|--------------------|---|
| 10725-02433 | Michaelian Holdings LLC | 413 Canyon Greens Drive Las Vegas, NV 89144-0829 | \$1,267,075.50 | \$100,000.00 |
| 10725-02383 | Minter Family 1994 Trust | Douglas and Elizabeth F. Minter Trustees 5389 Conte Drive Carson City, NV 89701 | \$622,044.87 | \$50,000.00 |
| 10725-01953 | Katrine Mirzaian | 708 Prospect Drive Glendale, CA 91205 | \$344,011.56 | \$100,000.00 |
| 10725-01208 | Pete Monighetti | 6515 Frankie Lane Prunedale, CA 93907 | \$1,509,963.55 | \$50,000.00 |
| 10725-02031 | Freda Newman Trust Dated 7/26/84 | Freda Newman Trustee c/o Daniel Newman 125 Elysian Drive Sedona, AZ 86336 | \$233,504.72 | \$50,000.00 |
| 10725-02150 | Newman Family Trust Dated 9/30/97 | Larry J. and Elsie D. Newman Trustees 1775 Autumn Valley Way Reno, NV 89523 | \$500,119.23 | \$50,000.00 |
| 10725-01175 | John Nix | 836 Temple Rock Court Boulder City, NV 89005 | \$710,937.34 | \$75,000.00 |
| 10725-01923 | John E. and Sonhild A. O'Riordan | 2745 Hartwick Pines Drive Henderson, NV 89052-7002 | \$1,738,252.26 | \$100,000.00 |
| 10725-02254 | Peele Spousal Trust Dated 2/10/87 | Jennefer C. Peele Trustee 2581 Rampart Terrace Reno, NV 89519 | \$253,712.01 | \$50,000.00 |
| 10725-00245 | Robert H. and Lynn R. Perlman Trust Dated 9/17/92 | c/o Robert H. and Lynn R. Perlman Trustees 2877 Paradise Road, Unit 3501 Las Vegas, NV 89109-5278 | \$1,187,000.00 | \$50,000.00 |